(SRI M. S. KRISHNAN)

well within your rights to put it to vote. We have not at all discussed the merits. We have talked only on the introduction of the Bill, upon which, of course, some decision is taken. You have given a ruling and I am not going into its merit as to whether it is proper or not. The position is, is it in accordance with the rules of procedure, to speak. I have a right to speak on the merits of the bill and you have not given the opportunity to speak on the merits of the Bill. Without giving an opportunity to members, you are putting it to the vote. That is violation of the rule itself. If such an approach is taken in regard to a Bill, how can we carry on with legislative work? With due respect I wish to submit that the attitude taken must be rectified and we may be permitted to speak on the merits. Then only you can go to second reading.

Mr. DEPUTY SPEAKER.—The Hon. Member was not here. It was fully discussed. Many members spoke on the Bill. No member was prevented from sending his amendments. I have strictly followed the rules and the Bill is passed. I have called the next Bill.

Sri M. N. RAMANNA (Turuvekere).—When the Chair has stated that the Bill is passed, where is the scope for the discussion on that Bill ?

Mysore Court Fees and Suits Valuation (Amendment) Bill, 1968.

Motion to consider.

Sri K. PUTTASWAMY.—I beg to move :

" That the Mysore Court Fees and Suits Valuation (Amendment) Bill, 1968, be taken into consideration."

Mr. DEPUTY SPEAKER.—Motion moved :

" That the Mysore Court Fees and Suits Valuation (Amendment) Bill, 1968, be taken into consideration."

Sri K. PUTTASWAMY.—Sir, This is a very simple amendment.

According to Section 48 of the Mysore Court Fees and Suits Valuation Acts, 1958, the fee payable on a memorandum of appeal against an order relating to compensation under any Act for the time being in force for the acquisition of property for public purpose, is computed on the difference between the amount awarded and the amount claimed by the appellant. But in the case of Narasiyappa and 26 others *Vs.* Central overnment and others, the question of Court-fee payable on appeal under Section 11 of the Requisition and Acquisition of Immovable Property Act, 1952 came up before the High Court for

consideration. It was contended that under Section 48 of the Mysore Court Fees and Suits Valuation Act, an *ad valorem* court-fee was made payable on the difference of amount awarded by the arbitrator and the amount claimed by the appellant. But the High Court interpreted that an order under Section 48 of the said Act as being referable to an order passed by Civil Courts. If compensation had been determinted by an Arbitrator under the Requisition and Acquisition of Immovable Property Act, 1952, it was held by the High Court that no Court-fee was payable at all in such matters. According to this decision, no court-fee can be recovered in matters arising out of awards passed under the Requitition and Acquisition of Immovable Property Act. Therefore, to cure this defect, Section 48 of the Mysore Court Fees and Suits Valuation Act, 1958 is being amended with the additionaal words "decision, award or" For the word "order" the words "decision, award or order" are being substituted. If this is done, the decision, award or order passed nnder the Requisition and Acquisition of Immovable Property Act will be similar to the award passed under the Land Acquisition Act.

This is a simple amendment and I am sure the House would agree to it.

† SRI M. S. KRISHNAN.—I have a point of order. Rule 73 of the Rules of Procedure says:

> "When a Bill is introduced, or on some subsequent occasion, the member in charge may make one of the following motions in regard to the Bill, namely:—
>
> "Provided that no such motion shall be made until after copies of the Bill have been made available for the use of members, and that except in cases of Appropriation Bills, any member may object to any such motion being made unless copies of the Bill have been so made available for seven days, before the day on which the motion is made, and such objection shall prevail, unless the Speaker allows the motion to be made."

I did not wish to speak about the previous Bill in terms of this Rule. But very often most of the Bills suffer from this lacuna. So far as the present Bill is concerned, it ought to have been given to us seven days before the motion was made. I am not very much worried whether it is a consequential or inconsequential amendment. For that matter, everything is consequential. Every Bill is important. As far as we are concerned, some Bills were given yesterday and others incl-ding this, were given only to-day. Under the cirumstances, it was not possible for lay-men like us to study them. The Hon. Minister Sri K. Puttaswamy, who happens to be an Advocate of eminence, might be in a position either to introduce the Bill or speak on it. Only Advocates may be able to give amendments on the Bill without notice. But a layman like me, being not an Advocate, will not be in a position to suggest amendments or to speak unless and until we are able to get the Bills in sufficient time.

Mr. DEPUTY SPEAKER.—This Bill was introduced on 15th January 1969. Then alone copies were also circulated. They were sent to the Members. So, there is no merit in the point of order.

†Sri L. SRIKANTIAH.—I want a clarification from the Minister in order to understand the nature of the Bill. I would like to know what are these orders passed under Section 48 of the Mysore Court Fees and Suits Valuation Act, which are not covered by the orders of the Civil Courts. What is the purpose that led the Government to bring this amendment? Unless this is clarified, we cannot speak on the Bill. If the explanation of the Hon. Minister is convincing, we can accept the Bill as it is.

Sri K. PUTTASWAMY. -I thought my hon. friend followed me when I made my introductory remarks. Perhaps I did not make myself quite clear. I have already stated in my introductory remarks that awards are being passed by the Land Aquisition Officers under the Requisition and Aquisition of Immovable Property Act also. When the matter came up before the High Court in the appeal of Narsiyappa and others, the High Court held that this award was not covered by the appropriate Section in the Act inasmuch as Section 48 of the Mysore Court Fees and Suits Valuation Act, 1968 only refered to matters arising out of orders of Civil Courts. Therefore, they held that no Court-fee was payable in such cases and that has necessitated this amendment.

Sri D. B. KALMANKAR.—What about awards passed by the land Acquisition Officers under the Land Acquisition Act ? Do you mean to say that even in such cases, court-fee is to be paid according to this Bill ?

Sri K. PUTTASWAMY.—This does not relate to matters arising out of the awards passed under the Land Aquisition Act. I made it very clear that Narsiyappa's case arose out of the awards pased under the Requisition and Acquisition of Immovable Property Act 1952 and that the High Court held that in respect of award passed under that Act, no Court-fee was payable. Hence, if we leave the matter as it is, it would mean that court fee is recoverable in appeals which are preferred against the awards passed under the Requisition and Acquisition of Immovable Property Act.

6-30 P.M.

Sri L. SRIKANTAIAH.—Sir I want a clarification. Suppose the aggrieved party goes to the High Court in appeal, he has to pay according to the amending Bill court fees on the difference between the amount awarded and the amount claimed by the aggrieved party. Ultimately if he succeeds, the court fee would be taxed to the Government cost. If the Government perfers an appeal against the award of the Arbitrator, it need not pay any court fee at all. The object of the Bill is to recover court fees on the difference between the awarded amount and the amount claimed by the aggrieved party.

†ಶ್ರೀ ಎಂ. ನಾಗಪ್ಪ.—ಅಧ್ಯಕ್ಷರೇ, Mysore Court Fees and Suits Valuation (Amendment) Bill, 1968—ಇದನ್ನು ನಾನು ವಿರೋಧಿಸುತ್ತೇನೆ. ಇದುವರೆಗೆ 48ನೇ ಕಲಂ ಪ್ರಕಾರ ರ್ಯಾಂಡ್ ಅಕ್ವಿಜಿಷನ್ ಕೇಸಸ್ ಮೇಲೆ ಸಂಬಂಧಪಟ್ಟವರು ಅಪೀಲ್ ಮಾಡುವ ಸಂದರ್ಭದಲ್ಲಿ ಯಾವ ಒಂದು ಕೋರ್ಟ್ ಫೀಯನ್ನು ಸಹ ಕಟ್ಟುತ್ತಾ ಇರಲಿಲ್ಲ. - ಸರ್ಕಾರದವರು ಒಂದು ಜಮೀನನ್ನು ಸ್ವಾಧೀನಪಡಿಸಿಕೊಂಡು ಅದಕ್ಕೆ ಅವಾರ್ಡ್ ಕೊಟ್ಟಮೇಲೆ ಸಂಬಂಧಪಟ್ಟವರು ಅದು ಸಾಲದು ಎಂದುಕೊಂಡು ಕೋರ್ಟ್‌ಗೆ ಅಪೀಲ್ ಮಾಡುವ ಸಂದರ್ಭದಲ್ಲಿ ರೂಲ್ 48ರ ಪ್ರಕಾರ ಕೋರ್ಟ್ ಫೀಯನ್ನು ವಸೂಲ ಮಾಡುವುದಕ್ಕೆ ಬರುವುದಿಲ್ಲವೆಂದು ಕಾನೂನು ಪ್ರಕಾರ ತಿಳಿದು ಬರುತ್ತದೆ. ಈ ವಿಚಾರದಲ್ಲಿ ಒಂದು ತಿದ್ದುಪಡಿಯನ್ನು ತಂದು ಕೆಲವು ಶಬ್ದಗಳನ್ನು ಸೇರಿಸ ಬೇಕೆಂದಿದ್ದೇವೆ ಎಂದು ಮಾನ್ಯ ಮಂತ್ರಿಗಳು ಹೇಳಿದರು.

> "In Article 3 of Schedule II to the principal Act, for the words 'from an order', the words 'from a decision or an award or order' shall be substituted."

ಎಂದು ಇಲ್ಲಿ ಹೇಳಿದ್ದಾರೆ. ಅಂದರೆ ಹೊಸವಾಗಿ ಡಿಷಿಷನ್ ಮತ್ತು ಅವಾರ್ಡ್ ಎಂಬ ಶಬ್ದಗಳನ್ನು ಈ ತಿದ್ದುಪಡಿಯ ಮೂಲಕ ಸೇರಿಸಬೇಕೆಂದು ಸರ್ಕಾರದವರು ಈಗ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ತಂದಿದ್ದಾರೆ. ರ್ಯಾಂಡ್ ಅಕ್ವಿಜಿಷನ್ ಪ್ರೊಸೀಡಿಂಗ್ಸ್ ಆಕ್ಟ್ ಪ್ರಕಾರ ಒಬ್ಬ ಮನುಷ್ಯ ತನಗೆ ಸಿಕ್ಕಿರುವ ಮೊಬಲಗು ಸಾಲದು ಎಂದು ಕಂಡುಬಂದಾಗ ಅಪೀಲ್ ಹೋಗುವುದಕ್ಕೆ ಅವಕಾಶ ಇದೆ. ಈ ತಿದ್ದುಪಡಿ ಮಸೂದೆ ಪಾಸಾದರೆ ಇನ್ನು ಮುಂದೆ ಕೋರ್ಟ್‌ಗೆ ಹೋಗುವವರು ಅವಾರ್ಡ್ ಬಂದ ಹಣ ಮತ್ತು ಅವರು ಕೇಳಬೇಕೆಂದಿರುವ ಹಣದ ವ್ಯತ್ಯಾಸಕ್ಕೆ ಕೋರ್ಟ್ ಫೀ ಕೊಡಬೇಕಾಗುತ್ತದೆ. ಸರ್ಕಾರದವರು ಒಬ್ಬ ನಣ್ಣ ಜಮೀನುದಾರನ ಭೂಮಿಯನ್ನು ಯಾವುದೋ ಕಾರ್ಯಕ್ಕೋಸ್ಕರ ಸ್ವಾಧೀನಪಡಿಸಿಕೊಂಡಮೇಲೆ ಹೆಚ್ಚಿನ ಮೊಬಲಗು ಬರಬೇಕೆಂದು ಕೋರ್ಟ್‌ಗೆ ಹೋಗಲು ಈ ತಿದ್ದುಪಡಿಯ ಪ್ರಕಾರ ಫೀ ಕಟ್ಟಲು ಆತನಲ್ಲಿ ಹಣ ಇರುವುದಿಲ್ಲ. ಕೋರ್ಟ್ ಫೀ ಕೊಟ್ಟು ಹೆಚ್ಚಿನ ಮೊಬಲಗು ಕೇಳಬೇಕೆಂದು ಹೇಳುವುದು ಸರಿಯಲ್ಲ. ತನಗೆ ಸರಿಯಾದ ಪರಿಹಾರ ಸಿಗಬೇಕೆಂದು ಆತ ಕೋರ್ಟ್‌ಗೆ ಹೋಗುತ್ತಾನೆ. ಆ ರೀತಿ ಕೇಳುವ ಹಕ್ಕು ಆತನಿಗೆ ಇದೆ. ಆದರೆ ಈ ತಿದ್ದುಪಡಿಯ ಪ್ರಕಾರ ಕೋರ್ಟ್ ಫೀ ಕಟ್ಟದೆ ಹೆಚ್ಚಿನ ಪರಿಹಾರ ಕೇಳುವುದಕ್ಕೆ ಬರುವುದಿಲ್ಲ. ಈ ಕಾರಣದಿಂದ ಈ ತಿದ್ದುಪಡಿ ತಂದಿರುವುದು ಸಾಮಾನ್ಯ ಜನರಿಗೆ ಅನ್ಯಾಯ ಮಾಡಿದಂತಾಗುತ್ತದೆ. ಆಸ್ತಿ ಕಳೆದು ಕೊಂಡ ಮನುಷ್ಯ ತನಗೆ ನ್ಯಾಯವಾಗಿ ಬರಬೇಕಾದ ಪರಿಹಾರ ಬರದೇ ಹೋದಾಗ ಅಪೀಲ್ ಹೋಗಲು ಫೀ ಕಟ್ಟುವ ಶಕ್ತಿ ಇದ್ದರೆ ಮಾತ್ರ ಈ ತಿದ್ದುಪಡಿಯ ಪ್ರಕಾರ ಅವಕಾಶವಾಗುತ್ತದೆ ಅಂದರೆ ಇಂತಹ ಸಾಮಾನ್ಯ ಜನರು ಮತ್ತೆ ಅಪೀಲು ಹೋಗುವುದನ್ನು ತಪ್ಪಿಸಲು ಸರ್ಕಾರದವರು ಬೇರೆ ದೃಷ್ಟಿಯಿಂದ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ತಂದಿದ್ದಾರೆ. ಕೊಟ್ಟ ಅವಾರ್ಡನ್ನು ಮಾತ್ರ ತೆಗೆದು ಕೊಳ್ಳಬೇಕೆಂದು ಸರ್ಕಾರದವರು ಈ ಮೂಲಕ ಹೇಳಿದಂತಾಗಿದೆ. ಈ ರೀತಿಯ ಒಂದು ತಿದ್ದುಪಡಿಯನ್ನು ಮಾನ್ಯ ಸದಸ್ಯರುಗಳು ಪಾಸ್ ಮಾಡುವುದಕ್ಕೆ ಅನುಮತಿ ಕೊಡಬಾರದೆಂದು ಕೇಳಿ ಕೊಳ್ಳುತ್ತೇನೆ. ಈ ತಿದ್ದುಪಡಿಯ ಪ್ರಕಾರ 10 ಸಾವಿರ ರೂಪಾಯಿಗಳನ್ನು ಹೆಚ್ಚಿನ ಪರಿಹಾರ ಕೇಳಬೇಕಾದರೆ 2 ಸಾವಿರ ರೂಪಾಯಿಗಳ ಕೋರ್ಟ್ ಫೀಯನ್ನು ಕಟ್ಟಬೇಕಾಗುತ್ತದೆ, ಇದು ಸರಿಯಲ್ಲ. ಈಗಿರತಕ್ಕಂಥ ಕಾಯಿದೆಯನ್ನೇ ಮುಂದುವರಿಸಿ ಸಾಮಾನ್ಯ ಜನರಿಗೆ ಅನುಕೂಲ ಮಾಡಿಕೊಡಬೇಕೆಂದು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ. ಮಾನ್ಯ ಸದಸ್ಯರಾದ ಶ್ರೀಮಾನ್ ಶ್ರೀಕಂಠಯ್ಯನವರು ಸಹ ತಮ್ಮ ಅಭಿಪ್ರಾಯವನ್ನು ಈ ಬಿಲ್ ಬಗ್ಗೆ ತಿಳಿಸಿದ್ದಾರೆ. ಎರಡು ಮೂರು ದೃಷ್ಟಿಯಿಂದ ಯಾರು ಹೆಚ್ಚಿನ ಕ್ಲೈಮ್ ಮಾಡಬಾರದೆಂಬ ದೃಷ್ಟಿಯಿಂದ ಈ ತಿದ್ದುಪಡಿಯನ್ನು ತರಲಾಗಿದೆ. ಕೋರ್ಟ್ ಫೀ ಕಟ್ಟಬೇಕೆಂದು ಹೇಳುತ್ತಿರುವುದು ಈಗಿರುವ ಹಕ್ಕನ್ನು ತೆಗೆದುಹಾಕಿದಂತಾಗುತ್ತದೆ. ಒಬ್ಬ ಮನುಷ್ಯ ತನ್ನ ಆಸ್ತಿಯನ್ನು ಕಳೆದುಕೊಳ್ಳುವಾಗ ಹೆಚ್ಚಿನ ಪರಿಹಾರ ದೊರಕಿಸಿಕೊಳ್ಳಬೇಕಾದರೆ ಫೀಯನ್ನು ಕಟ್ಟಬೇಕೆಂದು ಹೇಳುವುದು ಸರಿಯಲ್ಲ. ಒಂದು ಪಕ್ಷ ಫೀಯನ್ನು ಕಟ್ಟಿ ನಾಳೆ ಆತನ ಪರವಾಗಿ ಕೋರ್ಟಿನಲ್ಲಿ ತೀರ್ಮಾನವಾದರೆ ಆ ಫೀ ಖರ್ಚನ್ನು ಸಹ ಸರ್ಕಾರದವರೇ ಕೊಡಬೇಕಾಗುತ್ತದೆಂಬ ಅಂಶವನ್ನು ಸಹ ಈಗ ಶ್ರೀ ಶ್ರೀಕಂಠಯ್ಯನವರು ಹೇಳಿದ್ದಾರೆ. ಸಾಮಾನ್ಯ ಜನರ ಹಿತ ದೃಷ್ಟಿಯಿಂದ ಈ ಮಸೂದೆಗೆ ತಿದ್ದುಪಡಿ ತಂದಿರುವುದು ಸರಿಯಲ್ಲ. ಈ ತಿದ್ದುಪಡಿಯನ್ನು ಪಾಸ್ ಮಾಡುವುದಕ್ಕೆ ಮಾನ್ಯ ಸದಸ್ಯರುಗಳು ವಿರೋಧ ಮಾಡಬೇಕೆಂದು ಏನಂತಿ ಮಾಡಿಕೊಂಡು ನನ್ನ ಮಾತನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

†Sri D. B. KALMANKAR.—Mr. Speaker, Sir, when I asked for a clarification, the Hon. Minister was pleased to state that in Miscellaneous First Appeals of Narsiyappa and others, the High Court has held that this section is applicable only to order of Civil Courts and not to award of arbitrators relating to compensation. If the object of the Government is to restrict the scope of this Bill only to the appeals arising out of the award passed under the Requisition and Acquisition of Property Act, then I feel nothing could have prevented them from saying so in specific terms in this Bill itself. By saying 'under any Act' the scope of the Bill has been widened. Since it was clarified that the scope of the Bill is restricted to the Requisition and Acquisition of Property Act, my submission is that, that may be stated specifically in the Statement of Objects and Reasons and suitable amendments may be made wherever necessary in the Bill also. Otherwise, the provisions will be very harsh and the scope will be widened to the detriment of the parties who go in appeal.

Then by amendment of section 49 and Schedule II they are going to apply this to other cases also. Suppose the compensation claimed is Rs. 500 and compensntion under the award given is Rs. 400. In that case court fees to be paid will be on Rs 100 which will come to Rs. 7-50. Like that there is every possibility that if the amount involved is higher, then the court fees to be paid will be more. So by this amendment also whereas at present it is sufficient for a petitioner going in appeal to pay court fees of Rs. 2 or 4 under the existing law, hereafter he is made to pay court fees on the difference between the compensation actually paid to him and the compensation which he claims and for which, being aggrieved by the award or the decision of the authority, he has to go before the court. So I think from that point of view the present Bill has to be vehemently opposed because it was sufficient for him to pay a nominal court fees under the existing law. If the information given by the Hon. Minister as to what the High Court has said is correct, then by virtue of this amendment the class of people who would be required to pay only nominal court fees would now be required to pay *ad valorem* court fees if this Bill is passed. So I say this particular Bill is very dangerous as it involves so much of expenditure by way of court fees to persons who are involved in litigation. So I oppose this vehemently.

†Sri V. N. PATIL.—Sir, I oppose the Bill on the following grounds. The office of Land Acquisition Officer is mostly held by revenue officials and not by judicial officers. The judiciary comes into the picture only at the appellate stage and not at the original, initial stage. The revenue officials being merely administrative officers in most of the revenue matters their decisions are based on summary enquiry. The bent of mind of revenue officials is mostly on summary enquiry of the matter, because the tradition under which we are going on for the last 20 years since independence, is making them adhere only to summary enquiry and not try to apply a judicious mind, as judicial officers and civil courts generally

apply. The civil courts are brought into the picture only at the appellate stage. In this case what the amendment seeks to do is this. "For the words "an order", the words 'a decision or an award or order" shall be substituted. Against the order of a revenue official in Miscellaneous Appeal in the High Court the Government failed in the matter because Government sought to levy court fee on the appeal filed by the aggrieved party who is an agriculturist, Narsiyappa. The decision given by the High Court in Narsiyappa's case has given rise to certain points here. Having failed before the High Court to secure court free from the agriculturist, the Government now think of levying this court fee from the agriculturist class, the peasantry and small landholders. They want to squeeze from them what little they have got. If this system continues these poor dumb millions will have to revolt and bring about social reform. Even after 20 years of independence, we are required to fight against the Government because the Government are trying to take away what little the agriculturists have. This extra burden is unbearable for them. Who is required to pay this? It is the poor agriculturist. It is not the rich or the money lending class. This burden will have to be borne by the weaker section of the agriculturist class having 5 or 6 acres of land. The Government dare not touch the lands of the rich and the money lending class or of the big toddy contractors, because their very existence depends on these vested interests and so necessarily the Government would try to put this burden on the poor agriculturists owning 5 or 10 acres of land. It is only their lands that would be sought to be acquired by the Government. The Government dare not touch the lands of the rich people or the toddy contractors. Since the officers who deal with these cases of the poor agriculturists happen to be mostly the revenue officials, the compensation awarded by them also would be regressive and not progressive. So by this amendment the Government are trying to crush the poor agriculturists who have very poor means of livelihood. Is this democracy? Is this socialism? Is this socialism that you are preaching? I know that the Congress party no more believes in socialism. In this session except for two or three members, nobody from the other side even used the word 'socialism,. Possibly, they do not want to show even lip sympathy, far from implementing socialism. So my appeal to Government is, do not take away the right of these poor agriculturist class by this amendment. It would be a black deed and a black day if you pass the present Bill because by passing this Bill you would be taking away even what little is left with the poor agriculturists. Suppose the lands of a poor agriculturist are acquired and he has claimed a compensation of Rs. 750, but he has been awarded a compensation of only Rs. 500. If this poor agriculturist who has lost all his land and is left without any land wants to make an appeal for the remainder Rs. 250, under the amending Bill he will now have to pay court fees on this difference of Rs. 250. This will act as a very great hardship on this poor man who has been deprieved of his land and is left without any means of livelihood. This is a black deal and a black activity on the part of the Government. The Government should

(SRI V. N. PATIL)

in fact give him a chance to fight out his case and get the full compensation instead of asking him to pay court fees on the disputed amount of the compensation. This is a very harsh piece of legislation on these poor people. You are trying to tell these poor people, 'we will take away your lands, we will not give you full compensation, we will give you only this much and if you want more, pay court fees and then go in appeal.' This is very unjust to these poor people. Even in big temples, the temple poojaries sit like black stone and say: "unless you pay so much amount, you will not be allowed inside." Sir, the Government is creating such a class. The doors of the temples should be open to all, irrespective of their capacity to pay. They have not prevented any agriculturist from filing a proper suit in a court of Law, and in order to succeed in his petition, he will have to spend hundreds of rupees. The Hon. Minister for Parliamentary Affairs has been referred by several hon. members as an advocate of eminence. Being an Advocate of eminence, he ought to have suggested something which is going to help the agriculturists, and not to curb them. Do not take away the valuable rights of the poor agriculturists. Otherwise, they will be ashamed to garlend you in future; they will be ashamed to call you as their leader. In the name of legislation, you are curbing the people's right. This amendment "for the words 'an order'. the words 'a decision or an award or order' shall be substituted', is most unfortunate. Even the High Court has not appreciated their demanding the court fee; the High Court is not in favour of charging court fee to them. The previous legislators and law never contemplated collection of court fee on differential amount. They had in their mind the difficulties of the people. This Act was passed in 1958. Now, in the year 1969, shall we come here to curtail what little valuable or precious right the citizens and agriculturists had? Is it right to cut the feathers of these poor agriculturists? I request the Hon. Minister to take the blessings of the people, so that he may survive for more number of years as a Minister. If you take away the right of appeal by demanding more court fee, you are depriving them of their valuable ancestral property. It is not correct to demand court fee on the differential amount. Supposing a land is worth Rs. 12,000, and if it happens to be worth Rs. 25,000—after some time, can you expect an agriculturist to pay court fee on the difference of Rs. 13,000? I have seen many agriculturists, who cannot even afford to go to a Court as they are not in a position to pay the court fee. In our drought area, people are unable to pay even land revenue and their lands are put to auction sale. Therefore, this legislation is devoid of moral and legal principles and is opposed to democratic ideas. I oppose the Bill and press for its withdrawal.

† SRI L. SRIKANTAIAH.—Sir, I request the Hon'ble Minister for Parliamentary Affairs to give me one more clarification. Under the present scheme of Suits Valuation Act. an award is passed by a Land Acquisition Officer, and on reference, the matter comes up before the

Civil Court. I am quite sure that no Court fee is paid in the Court of first instance. It is only when either the Government or the aggrieved party goes in an appeal, the question of court fee arises. The amendment to Section 48 tries to bring in a new thing. This Section is going to accommodate only such cases of awards of arbitrators, which are going to be confirmed later on by the Civil Court. I would like to suggest to the Hon'ble Minister one thing. My learned friend Sri C. K. Rajaiah Setty said that in all cases, say in 90 to 95 per cent of the cases, invariably it is the owner of the property, who gets an award, and in all such cases an extra award is passed. Therefore, I would suggest a comprehensive amendment to Section 48 itself. There are two types of acquisitions: (1) for public purposes, either for the governmental purpose or local body or municipality, or (2) under Article 31 of the Constitution for any industrial purpose, where the cost of the acquisition is paid by the industrialists. In the case of acquisition for a public purpose, either for the Governmental purpose or local bodies or municipalities, the fee to be levied in matters of appeal, goes ultimately to the Government, because if the party succeeds, the Government will have to pay the cost. In such cases, the fee may not be levied. If the Government acquires the property, on behalf of industrialists, for industrial purposes, then, you can levy court fee. Why I am insisting on that point is, in case the aggrieved party wins the case, the Government will have to pay the cost. Court fee may therefore be exempted in the case of acquisitions by the Government for their own purpose or acquisition on behalf of a Municipality or local body, and in the case of first appeal to the High Court on behalf of Industrialists, where the industrialist pays the full acquisition amount, court fee may be levied. I request the Hon'ble Minister for Parliamentary Affairs to please consider this aspect of the matter.

Sri K. PUTTASWAMY.—Sir, I move that the time be extended by half-an-hour.

Mr. DEPUTY SPEAKER.—Is it the pleasure of the House that the time be extended up to 7-30 P.M. ?

HON'BLE MEMBERS.—Yes.

Mr. DEPUTY SPEAKER.—The time is extended up to 7-30 P.M.

Sri V. N. PATIL.—Sir, it is already 7-00 P. M. Let us take up this Bill tomorrow.

ಶ್ರೀ ಎಚ್. ಎನ್. ನಂಜೇಗೌಡ.—ಸ್ವಾಮಿ, ಈ ಬಿಲ್ಲನ್ನು ನಾಳೆ ತೆಗೆದುಕೊಳ್ಳಬಹುದು. ಈಗ ಬೇಳೆ ಬಹಳವಾಗಿದೆ.

Mr. DEPUTY SPEAKER.—We are already in the middle of the discussion. Let us finish this Bill.

Sri M. S. KHISHNAN.—Why should we be in such a hurry ?

7-00 P.M.

Mr. DEPUTY SPEAKER.—The Hon'ble Minister has already started his reply and the time has also been extended.

ಶ್ರೀ ಕೆ. ಪುಟ್ಟಸ್ವಾಮಿ.—ಸ್ವಾಮಿ, ಈಗ ಮಾನ್ಯ ಸದಸ್ಯರು ಈ ಮಸೂದೆಯ ವಿಚಾರದಲ್ಲಿ ತಮ್ಮ ಅಭಿಪ್ರಾಯಗಳನ್ನು ತಿಳಿಸಿದ್ದಾರೆ. ಅವರು ಹೇಳಿದ ಅಭಿಪ್ರಾಯಗಳು ಮಸೂದೆಯ ಉದ್ದೇಶಕ್ಕೆ ತೀರ ದೂರವಾಗಿವೆ. ಶ್ರೀ ವಾಟೀಲರು ಇಟ್ಟಿರುವ ಕನಿಕರಕ್ಕಾಗಿ ಅವರನ್ನು ಬಹಳ ಪ್ರಶಂಸೆಮಾಡುತ್ತೇನೆ.

ಶ್ರೀ ವಾಟಾಳ್ ನಾಗರಾಜ್.—ಈಗ 7 ಗಂಟೆಯಾಗಿದೆ, ನಥಿ ಇಲ್ಲಿಗೆ ಮುಕ್ತಾಯ ಮಾಡುವುದು ಸೂಕ್ತ.

ಶ್ರೀ ಎಚ್. ಎನ್. ನಂಜೇಗೌಡ.—ನಥಿ ಇಲ್ಲಿಗೆ ಮುಂದುವರಿಸಿ ನಾಳೆ ಬಿಲ್ಲನ್ನು ತೆಗೆದು ಕೊಳ್ಳಬಹುದು.

ಉಪಾಧ್ಯಕ್ಷರು.—ನಥಿಯು ಅಭಿಪ್ರಾಯ ತೆಗೆದುಕೊಂಡಿದ್ದೇನೆ. ಅರ್ಧ ಗಂಟೆಯುವರೆಗೆ ಕಾರಾವಕಾಶ ಕೂಡ ಹೆಚ್ಚಿಸಲಾಗಿದೆ.

(*Sriyuths H. N. Nanje Gowda, D. B. Kalmankar, S. H. Puttaranganath, V. L. Shivappa, B. B. Sayanak and K. H. Ranganath withdrew.*)

ಶ್ರೀ ಕೆ. ಪುಟ್ಟಸ್ವಾಮಿ.—ಈಗಿರುವ ರೀತಿಯಲ್ಲಿ ರ್ಯಾಂಡ್ ಅಕ್ವಿಜಿಷನ್ ಆಕ್ಟ್ ರೀತ್ಯ ಭೂಮಿಯನ್ನು ಅಕ್ವೈರ್ ಮಾಡಿದಾಗ ರ್ಯಾಂಡ್ ಅಕ್ವಿಜಿಷನ್ ಆಫೀಸರು ಅವಾರ್ಡ್ ಕೊಡುವರು.

ಶ್ರೀ ಎಂ. ಎಸ್. ಕೃಷ್ಣನ್.—ಹೇಗಿದ್ದರೂ ಈ ಬಿರ್ ಪಾಸಾಗುವುದು, ಇಂದು ಪಾಸಾಗು ವವರೆಗೆ ಕೂಡಬೇಕಾಗಿಲ್ಲ.

Sri K. PUTTASWAMY.—The hon'ble Member is giving a sermon. He must know the rules. It is not his monopoly.

Sri M. S. KRISHNAN.—He is not here to dictate to me. He is after all a Minister. He cannot dictate to me.

Mr. DEPUTY SPEAKER.—He is addressing the Chair.

Sri M. S. KRISHNAN.—The Hon'ble Minister cannot use words which are uncharitable and unbecoming of a Minister. The Chair is there to direct me.

ಶ್ರೀ ವಾಟಾಳ್ ನಾಗರಾಜ್.—ನಾವು ಎಷ್ಟು ಹೇಳಿದರೂ ಕೇಳುತ್ತಿಲ್ಲ. ಈಗ 7 ಗಂಟೆಯಾಗಿರುವುದರಿಂದ ನಾಳೆ ಮುಂದುವರಿಸಬಹುದು.

(*Sriyuths Vatal Nagaraj, M. Nagappa and N. G. Halappa withdrew*).

ಶ್ರೀ ಕೆ. ಪುಟ್ಟಸ್ವಾಮಿ,—ರ್ಯಾಂಡ್ ಅಕ್ವಿಜಿಷನ್ ಆಕ್ಟ್ ಪ್ರಕಾರ ಭೂಮಿಯನ್ನು ಅಕ್ವೈರ್ ಮಾಡಿಕೊಂಡಾಗ ಅಕ್ವಿಜಿಷನ್ ಆಫೀಸರ ತೀರ್ಮಾನದಮೇರೆ ಪರಿಹಾರ ನಾಲದೆಂದು ಸಿವಿರ್ ಕೋರ್ಟ್‌ನಲ್ಲಿ ವ್ಯವಹರಿಸುವಾಗ ಭೂಮಾಲೀಕ ಯಾವ ವಿಧವಾದ ಕೋರ್ಟ್ ಫೀಜನ್ನೂ ಕೊಡಬೇಕಾಗಿಲ್ಲ, ಕೊಟ್ಟಂತ ಪರಿಹಾರ ನಾಲದು ಅದಕ್ಕಿಂತ ಹೆಚ್ಚು ಕೊಡಬೇಕು ಎಂದು ಅಪೀಲು ಮಾಡುವಾಗ ಮಾತ್ರ ಕೋರ್ಟ್ ಫೀಜು ಕೊಡಬೇಕು. ಆದರೆ ಶ್ರೀ ವಿ. ಎನ್. ವಾಟೀಲರು ಇದರಿಂದ ಬಡವರಿಗೆ ತೊಂದರೆಯಾಗುತ್ತದೆ, ಅವರಿಗೆ ಅಪೀಲು ಮಾಡಲು ಅವಕಾಶವಿರುವುದಿಲ್ಲ ಎಂದು ಹೇಳಿದ್ದು ಸರಿಯಲ್ಲ. ಈ ತಿದ್ದುಪಡಿ ಮಸೂದೆಯನ್ನು ಬಹಳ ಸಂಕುಚಿತವಾದ ಉದ್ದೇಶದಿಂದ ತರಲಾಗಿದೆ. ಈ ಆಕ್ಟ್ ಪ್ರಕಾರ ಮಿಲಿಟರಿ ಪರ್ಪಸ್‌ಗೆ ಭೂಮಿ ಅಕ್ವೈರ್ ಮಾಡಿಕೊಳ್ಳಬೇಕಾಗುವುದು. ಹಾಗೆ ಅಕ್ವೈರ್ ಆದಾಗ ಪರಿಹಾರವೇನು ಕೊಡಬೇಕು ಎಂಬುದನ್ನು ಒಬ್ಬ ಆರ್ಬಿಟ್ರೇಟರ್ ತೀರ್ಮಾನಮಾಡುವರು. ಆರ್ಬಿಟ್ರೇಟರ ತೀರ್ಮಾನ ಸರಿಯಾಗಿಲ್ಲ, ಹೆಚ್ಚು ಪರಿಹಾರ ಕೊಡಬೇಕು

ಎಂದು ಅಪೀಲು ಹಾಕಿದಾಗ ಮಾತ್ರ ಈ ತಿದ್ದುಪಡಿ ಅನ್ವಯಿಸುವುದು. ಈಗ ಹೈಕೋರ್ಟ್ ಮುಂದೆ ಹೋದ ಒಂದು ಮೊಕದ್ದಮೆಯಲ್ಲಿ ಅವಾರ್ಡ್ ಮೇರೆ ಆದ ಅಪೀಲಿಗೆ ಕೋರ್ಟ್ ಫೀ ಕೊಡಬೇಕಾಗಿಲ್ಲ ಎಂದು ಮಾಡಿರುವುದು ಸರಿಯಲ್ಲ. ಕಾರಣ ಭೂಮಿಯನ್ನು ಮಿಲಿಟರಿ ಪರ್ಪಸ್‌ಗೆ ಅಥವ ಯೂನಿಯನ್ ಗವರ್ನ್‌ಮೆಂಟ್ ಪರ್‌ಪಸ್‌ಗೆ ವಶಪಡಿಸಿಕೊಂಡಾಗ ಅದಕ್ಕೆ ಬೇರೆ ಆರ್ಬಿಟ್ರೇಟರನ್ನು ನೇಮಕಮಾಡುವರು, ಅವರು ತೀರ್ಮಾನ ಮಾಡುವರು. ಲ್ಯಾಂಡ್ ಅಕ್ವಿಜಿಷನ್ ಆಕ್ಟ್ ಪ್ರಕಾರ ಒಂದು ಅವಕಾಶವೇನಿದೆ ಅದಕ್ಕಿಂತ ಹೆಚ್ಚು ಅವಕಾಶ ಲ್ಯಾಂಡ್ ಅಕ್ವಿಜಿಷನ್ ಮತ್ತು ರಿಕ್ವಿಜಿಷನ್ ಆಕ್ಟ್‌ನಲ್ಲಿ ಕೊಡಲಾಗಿದೆ. ಅನೇಕ ಸಂದರ್ಭಗಳಲ್ಲಿ ಅವಾರ್ಡ್‌ನ್ನು ಕೊಡುವರೋ ಅದರಮೇರೆ ಅಪೀಲು ಮಾಡುವುದಿಲ್ಲ, ಅಪೀಲು ಬಂದಾಗ ಕೋರ್ಟ್ ಫೀ ಕೊಡಬೇಕು. ಲ್ಯಾಂಡ್ ಅಕ್ವಿಜಿಷನ್ ಆಕ್ಟ್‌ನಲ್ಲಿ ಕೋರ್ಟ್ ಫೀ ಲೆಕ್ಕ ಹಾಕುವಹಾಗೆ ಇದಕ್ಕೂ ಹಾಕಬೇಕು ಎಂದು ತಿದ್ದುಪಡಿ ಈ ಬಿಲ್ಲನಲ್ಲಿ ತಂದಿದೆ.

ಶ್ರೀ ಎಂ. ಶ್ರೀಕಂಠಯ್ಯ.—ಹಾಗಾದರೆ ಗವರ್ನ್‌ಮೆಂಟಿಗೆ ವಿರುದ್ಧವಾಗಿ ತೀರ್ಮಾನ ಹೈಕೋರ್ಟ್ ಕೊಟ್ಟರೆ ಭಾರ ಯಾರಮೇರೆ ಬೀಳುವುದು?

ಶ್ರೀ ಕೆ. ಪುಟ್ಟಸ್ವಾಮಿ.—ಅವರಿಗೆ ಹೊಸದಾಗಿ ಹೇಳಬೇಕಾಗಿಲ್ಲ. ಸರಕಾರ ಎಷ್ಟೋ ಮೊಕದ್ದಮೆಗಳಲ್ಲಿ ವಾದಿ ಮತ್ತು ಪ್ರತಿವಾದಿಯಾಗಿರುವುದು: ಕೋರ್ಟ್ ತೀರ್ಮಾನ ಮಾಡುವಾಗ ಜಡ್ಜ್‌ಮೆಂಟ್ ಪ್ರಕಾರ ಯಾರು ಖರ್ಚು ಕೊಡಬೇಕೋ ಅವರು ಕೊಡಬೇಕು. ಸಾಮಾನ್ಯವಾಗಿ ಒಬ್ಬ ವಾದಿ ಮತ್ತು ಪ್ರತಿವಾದಿಗೆ ಇರುವ ಹಕ್ಕುಗಳಿಗಿಂತ ಹೆಚ್ಚು ಹಕ್ಕು ನಮಗಿರುವುದಿಲ್ಲ. ಸಾಮಾನ್ಯ ವಾದಿ, ಪ್ರತಿವಾದಿ ಕೋರ್ಟಿಗೆ ಖರ್ಚು ಕೊಡಬೇಕಾದಾಗ ಹೇಗೆ ಕೊಡುವನೋ ಹಾಗೆ ಕೋರ್ಟು ಆರ್ಡರು ಮಾಡಿದಾಗ ಸರಕಾರ ಕೂಡ ಆ ವೆಚ್ಚ ಕೋರ್ಟಿಗೆ ಖರ್ಚು ಕೊಡಬೇಕು. ಈಗ ತಂದಿರುವ ತಿದ್ದುಪಡಿ ಕೆಲವು ಸಂದರ್ಭಗಳಲ್ಲಿ ಮಾತ್ರ ಅನ್ವಯಿಸುವುದು. ಲ್ಯಾಂಡ್ ಅಕ್ವಿಜಿಷನ್ ಅಥವ ರಿಕ್ವಿಜಿಷನ್ ಆಕ್ಟ್‌ಗಳ ಪ್ರಕಾರ ಅಥವಾ ಬೇರೆ ಆಕ್ಟ್‌ಗಳ ಪ್ರಕಾರ ಆರ್ಬಿಟ್ರೇಟರ್ ನೇಮಕವಾಗಿ ಅವರು ಕೊಟ್ಟ ಅವಾರ್ಡನ್ನು ವಾದಿ ಮತ್ತು ಪ್ರತಿವಾದಿ ಒಪ್ಪದೆ ಅಪೀಲು ಮಾಡಿದಾಗ ಕೋರ್ಟು ಫೀ ಕೊಡುವುದಕ್ಕೆ ಅವಕಾಶವಿದೆಯೇ ಹೊರತು ಮತ್ತೆ, ಬೇರೆ ಇಲ್ಲ. ಆದುದರಿಂದ ಈ ತಿದ್ದುಪಡಿ ಮಸೂದೆಯನ್ನು ಸಭೆ ಒಪ್ಪಿಕೊಳ್ಳಬೇಕೆಂದು ವಿನಂತಿ ಮಾಡಿಕೊಳ್ಳುತ್ತೇನೆ.

Mr. DEPUTY SPEAKER.—The question is :

"The Mysore Court Fees and Suits Valuation (Amendment) Bill, 1968, be taken into consideration."

The motion was adopted.

CLAUSES

Mr. DEPUTY SPEAKER.—There is an amendment by Hon. Member Sri M. Nagappa to clause 2. The Hon. Member is absent. I shall now put the clauses to the vote of the House. The question is :

"That Clauses 2 to 4, both inclusive do stand part of the Bill."

The motion was adopted.

Clauses 2 to 4 both inclusive were added to the Bill.

Mr. DEPUTY SPEAKER.—The question is :

"That Clause 1, the long Title and the Enacting formulae do stand part of the Bill."

The motion was adopted.

Clause 1, the long title and the enacting formulae were added to the Bill.

motion to pass.

Sri K. PUTTASWAMY.—Sir, I move :

"That the Mysore Court Fees and Suits Valuation (Amendment) Bill, 1968, be passed."

Mr. DEPUTY SPEAKER.—The question is :

"That the Mysore Court Fees and Suits Valuation (Amendment) Bill, 1968, be passed."

The motion was adopted.

Business of the House

Mr. DEPUTY SPEAKER.—There is an announcement. The Business Advisory Committee at its meeting held to-day has decided that the House may sit till Friday, the 11th April 1969, to transact the following business :

1st, 2nd, 3rd and 7th April :—Legislative Business.

8th, 9th, 10th and 11th April :—

1. Non-official business. Discussion of the Budget Estimates of Electricity Board.
2. Privilege matters.
3. Report of the Rules Committee.

The House now stands adjourned to meet tomorrow at 1 P.M.

The House adjourned at Ten Minutes past Seven of the Clock to meet again at One of the Clock on Tuesday the 1st April 1969.

Karnataka State
(D...
4865

WD 12735—GPB—600—2-8-69

CONTENTS

		Pages
1	(i) Starred Questions and Answers ...	85—109
	(ii) Short Notice Question and Answer ...	109—114
	(iii) Questions for Answers on the day (but not taken up)	114—116
2	Notice of adjournment motion *re* : Retrenchment of Local Candidates—(Consent withheld) ...	116—118
3	A Calling Attention to a Matter of Urgent Public Importance— ...	
	re : Fire Accident in Raichur Town ...	118—119
	B (i) Coercive Methods used by Revenue Authorities to collect Land Revenue in some Taluks ...	119—121
	(ii) Retention of matters ordered to be expunged ...	121—122
4	Papers laid on the Table—	
	(i) Annual Financial Statement of the M.S.E.B. for 1969-70 ...	122—128
	(ii) Finance and Appropriation Accounts for 1967-68 and Audit Report for 1969 of the Government of Mysore ...	122—123
5	Petition from Principal, etc., of the Arts and Science and Home Science College, Hubli *re* : Payment of Salary, etc.—(Presentation) ...	123
6	Mysore Gift Goods (Unlawful Possession) (Amendment) Bill, 1968—(Passed) ...	123—149
7	Mysore Local Authorities (Disciplinary Proceedings against Employees) Bill, 1968—(Motion to consider—Debate not concluded) ...	150—166
8	Business of the House ...	166